IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 954 of 1995

in

SPECIAL CIVIL APPLICATIONNo 5151 of 1983

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI
and
Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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Versus

STATE OF GUJARAT

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Appearance:

MR MUKESH A PATEL for Petitioner - Absent

MR LR PUJARI, AGP for Respondent No. 1, 2

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CORAM : MR.JUSTICE R.K.ABICHANDANI
and
MR.JUSTICE A.M.KAPADIA

Date of decision: 27/02/2001

ORAL JUDGEMENT

(Per : MR.JUSTICE R.K.ABICHANDANI)

1. The petitioner seeks appropriate action being taken against the respondents under the provisions of the Contempt of Courts Act, 1971 on the ground that they have committed breach of the directions given by the learned Single Judge in his judgement and order dated 27th July 1995 in Special Civil Application No. 5151 of 1983 by which the respondents were directed to reconsider the candidature of the petitioner for promotion to the post of Assistant Labour Commissioner in the Departmental Promotion Committees yearwise from June 1983 onwards and appropriate orders should be made for promoting him as Assistant Labour Commissioner from such year.

2. According to the petitioner, these directions were not complied with by the respondents though a copy of the judgement was served on them on 7th August 1995.

3. It has been brought on record in the affidavit in reply filed on behalf of the State Government that, in conformity with the directions issued by the High Court, the case of the petitioner was reconsidered and having regard to the merit aspect of the matter, the petitioner did not get any placement in the select list of 1983. His case was further submitted to the next D.P.C. which was convened in the year 1986 alongwith the officers screened at the relevant time pursuant to the directions issued by the High Court, and the said Committee found him fit for inclusion in the select list of the year 1986, as a consequence of which, the petitioner was given a deemed date of promotion on that basis.

4. In view of these facts which have been placed on record and which have not been disputed by filing any affidavit in rejoinder, we are satisfied that there has not been any disobedience of the directions of the Court and in fact, the directions have been duly complied with. There is therefore no warrant for taking any action under the provisions of the Contempt of Courts Act against the respondents. The petition si therefore rejected. Rule is discharged with no orders as to costs.

FEBRUARY 27, 2001 [ R.K.ABICHANDANI, J. ]

[ A.M.KAPADIA, J. ]

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